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DOCKET NO. D-1996-016 CP-3

DELAWARE RIVER BASIN COMMISSION

**Pennsylvania American Water Company – Coatesville District
Surface Water Withdrawal
West Caln Township, Chester County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Gannett Fleming on behalf of Pennsylvania American Water Company (PAWC) to the Delaware River Basin Commission (DRBC or Commission) on November 14, 2016 (Application), for a renewal and approval of an allocation of surface water and review of a surface water withdrawal project. The project intakes were reviewed under the Pennsylvania Safe Drinking Water Act for public water supply permits and approved by the Pennsylvania Department of Environmental Protection (PADEP) on January 19, 2017 (PADEP Water Allocation Permit No. WA-15-182F).

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Chester County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on November 15, 2017.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of an existing surface water withdrawal with an allocation of up to 217.0 million gallons per month (mgm) to supply the docket holder's Coatesville District public water supply distribution system from existing intakes in Rock Run Reservoir and the West Branch Brandywine Creek. The docket holder can withdraw up to 7.0 million gallons per day (mgd) from Rock Run Reservoir when Rock Run Reservoir is spilling or 3.0 mgd from Rock Run Reservoir when Rock Run Reservoir is not spilling and 4.0 mgd from the West Branch Brandywine Creek. The docket also approves a Raw Water Operating Plan for the PAWC Coatesville system which involves Chambers Lake, also known as Hibernia Reservoir releases. Chambers Lake – Hibernia Reservoir is owned and operated by the Chester County Water Resources Authority (CCWRA).

2. **Location.** The project is located in the Rock Run and West Branch Brandywine Creek Watersheds, in West Caln Township, Chester County, Pennsylvania. Rock Run near the project site is designated by the PADEP as supporting Trout Stocking Fishes (TSF) and Migratory Fishes (MF). The West Branch Brandywine Creek near the project site is designated by the PADEP as supporting Trout Stocking Fishes (TSF) and Migratory Fishes (MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The PAWC – Coatesville District service area includes Bart, Caln, Colerain, East Fallowfield, Eden, Sadsbury (Chester and Lancaster Counties), West Sadsbury, South Coatesville, Valley and West Caln Townships, the City of Coatesville and Parkesburg Borough. Bart, Colerain, Eden and Sadsbury Townships in Lancaster County, Pennsylvania and portions of West Sadsbury Township, West Caln, and Parkesburg Borough, Chester County are all located outside of the Delaware River Basin (DRB) in the Susquehanna River Basin (SRB). Thirteen (13) domestic connections, two (2) commercial connections, one (1) industrial connection and three (3) other connections served by the docket holder are in these townships. PAWC also provides bulk sales to Valley Township, Atglen Borough, Christiana Borough and Quarryville Borough as well as the VA Medical Center in the City of Coatesville. Atglen Borough, Christiana Borough and Quarryville Borough are located outside the DRB. The docket holder's average estimated export of water into the SRB from the DRB is approximately 57,000 gallons per day (gpd) and is below the Commission's review threshold of 100,000 gpd.

For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the Decisions section of this docket.

4. **Physical features.**

a. **Design criteria.** The PAWC Coatesville District system currently serves water to a population of 38,040 through 11,170 domestic connections plus 764 commercial, 33 institutional, 21 industrial and 7 bulk sale connections and records an existing average and maximum water demand (as of 2016) of 3.523 mgd and 4.249 mgd, respectively. The docket holder projects an average and maximum water demand of 4.376 mgd and 5.743 mgd, respectively, with a population of 42,880 by the year 2027. The PAWC currently sells approximately 0.133 mgd through interconnections and projects to sell up to 0.141 mgd by the year 2027. The allocation of 217.0 mgm (7.0 mgd) should be sufficient to meet the future demands of the PAWC Coatesville District system.

b. **Facilities.** The PAWC Coatesville District's public water supply facilities include a reservoir withdrawal from Rock Run, a run-of-stream surface water withdrawal from the West Branch Brandywine Creek, which is pumped into Rock Run Reservoir, a 7.0 mgd design capacity water filtration plant, two (2) water storage reservoirs Rock Run Reservoir (owned by PAWC) and Chambers Lake – Hibernia Reservoir (owned and operated by CCWRA) and 11 other water storage facilities with a combined total storage capacity of 11.8 million gallons. The distribution system has one (1) regular and four (4) auxiliary interconnections. Specific details of the facilities are as follows:

i) Surface Water Sources. Raw water for the PAWC Coatesville District system is drawn through two intakes as described below.

INTAKE DESIGNATION	WITHDRAWAL WATER BODY	PUMP CAPACITY (MGD)	Q₇₋₁₀ FLOW AT INTAKE (CFS)	YEAR CONSTRUCTED
Rock Run	Rock Run Reservoir	7.0	0.9	1916
West Branch Brandywine Creek	West Branch Brandywine Creek	4.0	5.2	1980

ii) Reservoirs. The reservoirs associated with the PAWC Coatesville District have the following characteristics:

RESERVOIR DESIGNATION	DRAINAGE AREA (SQUARE MILES)	STORAGE CAPACITY (MG)	CONSERVATION RELEASE (CFS)	YEAR CONSTRUCTED
Rock Run Reservoir	5.5	285	0.93	1916
Chambers Lake – Hibernia Reservoir*	4.5	382	1.0	1994

*Chambers Lake is owned and operated by the Chester County Water Resources Authority.

Rock Run Reservoir. The Rock Run Dam was completed in 1916. It is a concrete dam located on Rock Run in West Caln Township, Chester County, Pennsylvania. The resulting Rock Run reservoir has a storage capacity of about 285 million gallons (mg) and a drainage area of 5.5 square miles. This reservoir was formerly known as “Coatesville Reservoir”.

Chambers Lake - Hibernia Reservoir. The Hibernia Dam (PA-436F) was included in the Comprehensive Plan by Docket No. D-1987-035 CP on June 24, 1987. Hibernia Dam was completed in 1994. It is an earth dam located on Birch Run and forms Chambers Lake also referred to as Hibernia Reservoir just north of Wagontown, in West Caln Township, Chester County Pennsylvania. The impoundment has a storage capacity of about 382 mg and a drainage area of 4.5 square miles. The Hibernia Dam is approximately 65 feet high and 700 feet across at the top of the dam.

iii) Water Filtration Plant. Prior to entering the water supply distribution system, water withdrawn from the Rock Run Reservoir, which at certain times is supplemented by withdrawals from West Branch Brandywine Creek, is treated at the 7.0 mgd capacity PAWC Rock Run Water Filtration Plant (WFP). The Rock Run surface water intake is the primary source of water for the PAWC Coatesville system; water from the West Branch Brandywine

Creek is used to supplement the water use. The WFP discharges filter backwash to Rock Run at River Mile 70.73 – 1.5 – 20.0 – 17.1 – 2.2 (Delaware River – Christina River – Brandywine Creek – West Branch Brandywine Creek – Rock Run) via Outfall No. 001, in West Caln Township, Chester County, Pennsylvania.

The WFP consists of three (3) raw water pumps, eight (8) flocculators, four (4) split filters, four (4) clarifiers with sludge rakes, a backwash water tank, and a sludge blowdown tank. Powdered carbon and chlorine are introduced to the system as water is withdrawn from Rock Run Reservoir. Additionally, powdered carbon, chlorine, alum, and lime are introduced prior to raw water entering the flocculators. Effluent from the backwash water tank and sludge blowdown tank is discharged to Rock Run via Outfall No. 001. Finished water is pumped into the docket holder's distribution system after a corrosion inhibitor is added.

The PAWC Rock Run WFP was most recently approved by DRBC Docket No. D-2006-036 CP-2 on September 10, 2014. The PADEP issued its most recent NPDES Permit No. PA0012416 on August 25, 2011 for this WFP discharge.

iv) Interconnections. The PAWC Coatesville District interconnections have the following characteristics:

WATER COMPANY	INTERCONNECTION CAPACITY (MGD)	DAILY AVERAGE USE (MGD)	DAILY MAXIMUM USE (MGD)	STATUS
Atglen Borough	Unknown	0.001	0.005	Auxiliary
Christiana Borough Authority	0.036	0.001	0.008	Auxiliary
Quarryville Borough	0.300	0.025	0.044	Auxiliary
Valley Township	Unknown	0.004	0.030	Regular
VA Medical Center (Coatesville)	Unknown	0.106	0.117	Auxiliary

All surface water withdrawals, interconnections and water service connections are metered.

Prior to entering the distribution system, the surface water is treated by filtration and disinfection.

The entire Hibernia pump station is located in the 100-year floodplain. All critical components are elevated above the flood protection elevation.

c. **Other.** Wastewater within PAWC's service area is conveyed to the Downingtown Area Regional Authority sewage treatment facility most recently approved by DRBC Docket No. D-1998-033 CP-4 on March 15, 2017. The PADEP issued its most recent

NPDES Permit No. PA0026531 A-1 on July 28, 2014 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from this project.

Wastewater is also conveyed to the PAWC Coatesville sewage treatment facility most recently approved by DRBC Docket No. D-1992-064 CP-3 on July 11, 2012. The PADEP issued its most recent NPDES Permit No. PA0026859 on November 1, 2013 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from this project.

d. **Cost.** There is no associated construction cost with this project.

e. **Relationship to the Comprehensive Plan.** The PAWC Coatesville District was included in the DRBC's Comprehensive Plan via Docket No. D-1986-082 CP on September 26, 1990. The Coatesville water supply system was included in the CP via Docket No. D-1967-208 CP on January 24, 1968, issued to the City of Coatesville, and transferred to the CCA via Docket No. D-1982-011 CP on August 5, 1982. Docket No. D-1982-011 CP approved withdrawal of 90 mg per 30 days (3 mgd) from Rock Run Reservoir and 45 mg per 30 days (1.5 mgd) from Birch Run (Withdrawal discontinued with construction of Hibernia Dam). Hibernia Dam was approved for construction via Docket No. D-1987-035 CP (Revision 1) on December 11, 1991, and was first added to the Comprehensive Plan in the Supplemental Watershed Plan No. 4 approved via Docket No. D-1987-035 CP on June 24, 1987. The Supplemental Watershed Plan No. 4 was an addition to the Brandywine Creek Watershed Work Plan included in Phase I of the Comprehensive Plan on March 28, 1962, and revised via Dockets Nos. D-1973-087 CP on June 26, 1974, and D-1973-087 CP (Revision 2) on July 25, 1979. The existing PAWC intake on West Branch Brandywine Creek was approved for use via Docket No. D-1973-165 CP on September 26, 1973. The approval continued in Docket No. D-1996-016 CP on October 23, 1996. Issuance of this docket will continue the public water supply distribution system in the Comprehensive Plan.

B. FINDINGS

Raw Water Operating Plan

The PAWC Coatesville Raw Water Operating Plan, dated December 2012, was submitted as part of the renewal application. The Raw Water Operating Plan (RWOP) contains a description of the original operating plans, updated flow modeling and a description of a future RWOP that has been implemented since 2012. The goal of the revised operation plan was to optimize system capacity and net gain in storage when water is available for pumping while continuing to meet all PADEP permit and DRBC docket requirements. The docket holder must continue to operate its system under the provisions of the RWOP, dated December 2012 or as may be modified with the DRBC Executive Director's approval (see Condition C.II.f.).

The Coatesville System consists of Rock Run Reservoir (Rock Run Dam), Chambers Lake/Hibernia Reservoir (Hibernia Dam) and an intake at the Hibernia Pump Station on the West Branch Brandywine Creek. Raw water is withdrawn from Rock Run Reservoir and treated at the Rock Run Water Treatment Plant before it enters the PAWC distribution system. The Hibernia Pump Station transfers water from the intake on the West Branch Brandywine Creek to the Rock

Run Reservoir to supplement and replenish the Rock Run Reservoir supply. When necessary releases from Chambers Lake augment the flow in the West Branch Brandywine Creek to meet passby conditions at the Hibernia Pump Station intake, and whenever the streamflow in the Brandywine Creek at Chadds Ford (USGS Gage No. 01481000) is less than 140 cubic feet per second (cfs) (90.48 mgd) as described below.

PAWC facilities include a concrete dam on Rock Run which creates a 285 mg impoundment with a 5.5 square mile drainage area. The total storage capacity of Rock Run Reservoir has been reduced to 252 mg which is above the silt pool. The facilities also include Hibernia Dam which forms Chambers Lake on Birch Run and is owned and operated by the CCWRA. Hibernia Dam is an earth dam with approximately 382 mg storage capacity and a drainage area of 4.5 square miles. Storage capacity includes public water supply, future sediment storage and recreational use.

Whenever the streamflow of the Brandywine Creek at Chadds Ford is less than 140 cfs (90.48 mgd), the Hibernia Reservoir will release its conservation release of 1 cfs (0.65 mgd) plus 20 percent of the docket holder's West Branch Brandywine Creek withdrawal to offset depletive use of the withdrawal. Releases may also include augmentation of flow to meet pass-by flow conditions below the docket holder's West Branch Brandywine Creek intake and enable continued withdrawal during low flow periods.

The Coatesville System includes an existing withdrawal intake on the West Branch Octoraro Creek just below the confluence with Bowery Run in Colerain Township, Lancaster County in the Susquehanna River Basin (SRB). This intake has not been used in approximately 20 years due to water quality issues. The West Branch Octoraro Creek intake is listed as an emergency source by the PADEP. PAWC is required to submit an application to and receive approval from the Commission prior to importing water into the DRB equal to or in excess of an average of 100,000 gpd from this source. PAWC is also required to submit an application to and receive approval from the Commission prior to exporting water from the DRB if their exports of water become equal to or exceed of an average of 100,000 gpd (see Condition C.II.j.).

Stream Trigger and Pass-by Flow

West Branch Brandywine Creek

PADEP Water Allocation Permit No. WA-15-182F indicates whenever streamflow in the Brandywine Creek at Chadds Ford (USGS Gage No. 01481000) is less than 140 cfs (90.48 mgd), the Hibernia Reservoir will release its conservation release of 1.0 cfs (0.65 mgd) plus 20 percent of the docket holder's West Branch Brandywine Creek withdrawal to offset depletive use of the withdrawal. Releases may also include augmentation of flow to meet pass-by flow conditions below the docket holder's West Branch Brandywine Creek intake and enable continued withdrawal during low flow periods (See Condition C.II.g.).

When combined usable storage in Hibernia and Rock Run Reservoirs exceeds 417.2 mg or 70 percent of usable storage, a flow of not less than 0.263 cfs per square mile from the 30 miles of watershed area above the West Branch Brandywine Creek intake shall be allowed to pass the intake at all times. This flow is equivalent to 5.1 mgd or 7.89 cfs (20% of the average

yearly flow). When combined usable storage is less than 417.2 mg, a flow of not less than 0.181 cfs per square mile from the 30 miles of watershed area above the West Branch Brandywine Creek intake shall be allowed to pass the intake at all times. This flow is equivalent to 3.5 mgd or 5.43 cfs (estimated Q₇₋₁₀). When the stream flow below the West Branch Brandywine Creek intake is less than the specified applicable amount, no water may be withdrawn unless the entire withdrawal is offset by water supply releases (releases in excess of the Hibernia conservation release) from Hibernia Reservoir storage, and the entire natural flow shall be allowed to pass the West Branch Brandywine Creek intake, to maintain such natural flow in the stream channel below the intake as may prevail above (See Condition C.II.h.).

Rock Run Reservoir

A continuous flow of not less 0.6 mgd or 0.93 cfs (estimated Q₇₋₁₀) shall be maintained at all times in Rock Run immediately below the reservoir. (See Condition C.II.i.).

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the *Water Code* states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31. The PAWC submitted their most recent Water Audit on March 28, 2017 for this system (see Condition C.II.q.).

Surface Water Charges

PAWC shall pay for surface water use in accordance with the provisions of *Administrative Manual Part III Basin Regulations – Water Charges* (see Condition C.II.e.).

Other Findings

The project does not conflict with the Comprehensive Plan, and is designed to prevent substantial adverse impact to the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 20 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D. of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

C. DECISION

- I. Effective on the approval date for Docket No. D-1996-016 CP-3 below:

a. The projects described in Docket Nos. D-1982-011 CP, D-1986-082 CP, D-1986-082 CP REVISION 1 and D-1996-016 CP are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1996-016 CP-3; and

b. Docket Nos. D-1982-011 CP, D-1986-082 CP, D-1986-082 CP REVISION 1 and D-1996-016 CP are terminated and replaced by Docket No. D-1996-016 CP-3; and

c. The project and the appurtenant facilities described in the Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project as described in the Section A “Physical features” is approved pursuant to Section 3.8 of the *Compact* and is granted this withdrawal permit pursuant to Section 10.3 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its Water Allocation Permit.

b. The surface water intakes and operational records shall be available at all times for inspection by the DRBC.

c. The surface water intakes shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the total combined withdrawal from the surface water intakes shall not exceed 217.0 mgm (7.0 mgd). No intake shall be pumped above the maximum daily rate and monthly allocation as indicated below:

INTAKE NO.	DAILY RATE (MGD)	MONTHLY ALLOCATION (MILLIONGALLONS)
Rock Run	7.0	217.0
West Branch Brandywine Creek	4.0	124.0

Also, the docket holder can withdraw up to 7.0 million gallons per day (mgd) from Rock Run when Rock Run Reservoir is spilling or 3.0 mgd from Rock Run when the reservoir is not spilling and 4.0 mgd from the West Branch Brandywine Creek.

e. The docket holder shall pay for surface water use in accordance with the provisions of *Administrative Manual Part III Basin Regulations – Water Charges*.

f. The docket holder shall operate its system under the provisions of the Raw Water Operating Plan, dated 2012. Future modifications or updates to the plan shall be

submitted to the Commission and approved by the DRBC Executive Director prior to implementation.

g. Whenever the streamflow of the Brandywine Creek at Chadds Ford is less than 140 cfs (90.48 mgd), the Hibernia Reservoir will release its conservation release of 1 cfs (0.65 mgd) plus 20 percent of the docket holder's West Branch Brandywine Creek withdrawal to offset depletive use of the withdrawal. Releases may also include augmentation of flow to meet pass-by flow conditions below the docket holder's West Branch Brandywine Creek intake and enable continued withdrawal during low flow periods.

h. When combined usable storage in Hibernia and Rock Run reservoirs exceeds 417.2 mg or 70 percent of usable storage, a flow of not less than 0.263 cfs per square mile from the 30 miles of watershed area above the West Branch Brandywine Creek intake shall be allowed to pass at all times. The flow is equivalent to 5.1 mgd or 7.89 cfs. When combined usable storage is less than 417.2 mg, a flow of not less than 0.181 cfs per square mile from the 30 miles of watershed area above the West Branch Brandywine Creek intake shall be allowed to pass at all times. This flow is equivalent to 3.5 mgd or 5.43 cfs. When the stream flow below the West Branch Brandywine Creek intake is less than this amount, no water may be withdrawn unless the entire withdrawal is offset by water supply releases (releases in excess of the Hibernia conservation release) from Hibernia Reservoir storage, and the entire natural flow shall be allowed to pass the West Branch Brandywine Creek intake, to maintain such natural flow in the stream channel below the intake as may prevail above.

i. A continuous flow of not less than 0.6 mgd or 0.93 cfs must be maintained at all times in Rock Run immediately below Rock Run Reservoir.

j. The docket holder is required to submit an application to and receive approval from the Commission prior to importing water equal to or in excess of an average of 100,000 gpd from the West Branch Octoraro Creek intake or if exports of water from the DRB equal or exceed 100,000 gpd.

k. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported annually by March 31, to the PADEP. Withdrawal records shall be available at any time to the Commission if requested by the Executive Director.

l. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

m. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

n. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

o. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

p. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

q. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31.

r. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

s. The docket holder shall implement to the satisfaction of the PADEP, a continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP, on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

t. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

u. The area served by this project is limited to the service area as described above. Any expansion beyond this area is subject to review in accordance with Section 3.8 of the *Compact*.

v. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the

terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

w. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations. (see 18 CFR 401.43).

x. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

y. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

z. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the right to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

aa. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the permit holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the permit holder shall provide written notice to all potentially affected water users of the permit holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the permit holder's project withdrawal shall be repaired, replaced or mitigated at the permit holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct

the permit holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

bb. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

cc. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator, to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

dd. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: December 13, 2027